

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHEASTERN DIVISION

Industrial Contract Services, Inc., )  
)  
Plaintiff, )  
)  
v. )  
)  
Hartford Fire Insurance Company, )  
)  
Defendant. )

Civil No.2:11cv25

**REPORT AND RECOMMENDATION**

Defendant Hartford Fire Insurance Company (“Hartford”) moved to change the venue of this case from the District of North Dakota to the “United States District Court of Iowa, Northern Division.” (Doc. #5). Presumably Hartford intends to request a transfer to the Northern District of Iowa.<sup>1</sup> Hartford asserts venue in Northern District of Iowa is appropriate because the events giving rise to the claims occurred in Iowa, the insurance policy insured only property and events in Iowa, related litigation is ongoing in Iowa, and all of the witnesses are in Iowa. (Doc. #5). Plaintiff has not timely responded to the motion, served on March 16, 2011. (Doc. #7).

Plaintiff’s failure to respond is viewed as an admission that the motion to change venue has merit. See L.R. 7.1(F) ( “An adverse party’s failure to serve and file a response to a motion may be deemed an admission that the motion is well taken.”). Further, there is a considerable factual nexus with Iowa, and plaintiff admits it was licensed and conducting business in Iowa. (Complaint filed in Grand Forks County District Court, Doc. #1, Attachment #1). Accordingly, the court finds that the Northern District of Iowa is a more convenient and appropriate venue than the District of North Dakota.

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<sup>1</sup>The State of Iowa is divided into two separate federal judicial districts, not simply two divisions of the same court.

**IT IS RECOMMENDED** that defendant Hartford Fire Insurance Company's Motion to Change Venue (Doc. #5) be **GRANTED** and that this action be transferred to the United States District Court for the Northern District of Iowa.

Dated this 15<sup>th</sup> day of April, 2011.

/s/ Karen K. Klein  
Karen K. Klein  
United States Magistrate Judge